

107TH CONGRESS
1ST SESSION

S. 1519

AN ACT

To amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED**
 2 **RESERVISTS.**

3 Subtitle D of the Consolidated Farm and Rural De-
 4 velopment Act (7 U.S.C. 1981 et seq.) is amended by add-
 5 ing at the end the following:

6 **“SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RE-**
 7 **SERVISTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ACTIVATED RESERVIST.—The term ‘acti-
 10 vated reservist’ means—

11 “(A) a member of a reserve component of
 12 any of the Armed Forces of the United States
 13 who is serving on active duty in support of a
 14 contingency operation (as defined in section
 15 101(a)(13) of title 10, United States Code)
 16 pursuant to a call or order issued on or after
 17 September 11, 2001, under a provision of law
 18 referred to in subparagraph (B) of that section;
 19 and

20 “(B) a member of the National Guard of
 21 a State not in Federal service who is ordered to
 22 duty under the laws of the State in support of
 23 any operation to protect persons or property
 24 from an act of terrorism or a threat of attack
 25 by a hostile force during the period of a na-

1 tional emergency declared by the President or
2 Congress on or after September 11, 2001.

3 “(2) ELIGIBLE PERSON.—The term ‘eligible
4 person’ means—

5 “(A) an activated reservist who owns or
6 operates a farm or ranch;

7 “(B) an owner or operator of the farm or
8 ranch who is a member of the family of the ac-
9 tivated reservist; and

10 “(C) an owner or operator of a farm or
11 ranch on which an activated reservist is em-
12 ployed.

13 “(b) PROGRAM.—The Secretary shall establish a pro-
14 gram to provide assistance to any borrower of a farmer
15 program loan who is an eligible person.

16 “(c) MODIFICATION OF LOAN TERMS.—The Sec-
17 retary shall modify the terms and conditions of a farmer
18 program loan (including a loan in which any participant
19 in the loan is an eligible person) made to an eligible person
20 for a farm or ranch under this title, or purchased under
21 section 309B, to the extent necessary, as determined by
22 the Secretary, to alleviate conditions of distress related to
23 the activation of the activated reservist and to assist in
24 maintaining the farm or ranch for such period of time as
25 the Secretary determines is fair and equitable.

1 “(d) DEBT RESTRUCTURING.—The Secretary may
 2 modify farmer program loans, including delinquent loans,
 3 by deferring principal or interest scheduled payments, re-
 4 ducing interest rates or accumulated interest charges, re-
 5 amortizing or consolidating loans, reducing the amount of
 6 scheduled principal or interest payments, releasing addi-
 7 tional income, reducing collateral requirements, or taking
 8 any other restructuring actions determined appropriate by
 9 the Secretary, to alleviate conditions of distress related to
 10 the activation of the activated reservist and to assist in
 11 maintaining the farm or ranch for such period of time as
 12 the Secretary determines is fair and equitable.

13 “(e) EMERGENCY LOANS.—

14 “(1) IN GENERAL.—The Secretary shall make
 15 an emergency loan under subtitle C to an eligible
 16 person for a farm or ranch that has suffered, or that
 17 is likely to suffer, substantial economic injury as the
 18 result of the activation of an activated reservist, as
 19 determined by the Secretary.

20 “(2) ADMINISTRATION.—

21 “(A) IN GENERAL.—Except as provided in
 22 subparagraph (B), an emergency loan made
 23 under this subsection shall be made under the
 24 terms and conditions of subtitle C.

1 “(B) EXCEPTIONS.—An emergency loan
 2 made under this subsection shall not be subject
 3 to—

4 “(i) the requirements of section
 5 321(a) for a finding by the Secretary that
 6 the applicants’ farming, ranching, or aqua-
 7 culture operations have been substantially
 8 affected by a natural disaster in the
 9 United States or by a major disaster or
 10 emergency designated by the President;

11 “(ii) section 321(b); or

12 “(iii) any other requirement of sub-
 13 title C that the Secretary waives to carry
 14 out this subsection.

15 “(3) PERIOD OF ELIGIBILITY.—To obtain an
 16 emergency loan under this subsection, an eligible
 17 person shall apply for the emergency loan during the
 18 period—

19 “(A) beginning on the date on which the
 20 activated reservist is activated; and

21 “(B) ending 180 days after the date on
 22 which the activated reservist is discharged or
 23 released from active duty.

1 “(f) NOTICE.—The Secretary shall develop a pro-
 2 gram to notify eligible persons of assistance that is avail-
 3 able under this section.

4 “(g) SPOUSES OR RELATIVES.—

5 “(1) IN GENERAL.—The Secretary may provide
 6 for procedures under which the spouse or other close
 7 relative (as determined by the Secretary) of an acti-
 8 vated reservist may participate in, or make decisions
 9 related to, a program administered by the Secretary
 10 under this title.

11 “(2) REPRESENTATION.—The Secretary may
 12 rely on the representation of the spouse or close rel-
 13 ative (even in the absence of a power of attorney)
 14 made under the procedures described in paragraph
 15 (1) if the Secretary—

16 “(A) determines that the reliance is appro-
 17 priate in order to prevent undue hardship and
 18 to provide equitable treatment for the activated
 19 reservist; and

20 “(B) has no reason to believe that the rep-
 21 resentation of the spouse or close relative is not
 22 in accordance with the intent and interests of
 23 the activated reservist.”.

1 **SEC. 2. REGULATIONS.**

2 (a) IN GENERAL.—As soon as practicable after the
3 date of enactment of this Act, the Secretary of Agriculture
4 shall promulgate such regulations as are necessary to im-
5 plement the amendment made by section 1.

6 (b) PROCEDURE.—The promulgation of the regula-
7 tions and administration of the amendment made by sec-
8 tion 1 shall be made without regard to—

9 (1) the notice and comment provisions of sec-
10 tion 553 of title 5, United States Code;

11 (2) the Statement of Policy of the Secretary of
12 Agriculture effective July 24, 1971 (36 Fed. Reg.
13 13804), relating to notices of proposed rulemaking
14 and public participation in rulemaking; and

15 (3) chapter 35 of title 44, United States Code
16 (commonly known as the “Paperwork Reduction
17 Act”).

18 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
19 MAKING.—In carrying out this section, the Secretary shall
20 use the authority provided under section 808 of title 5,
21 United States Code.

Passed the Senate December 11, 2001.

Attest:

Secretary.

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